

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court Middle District of Florida on the following ☐ Patents or ☒ Trademarks:

DOCKET NO. 2:07-cv-266-FtM29SPC	DATE FILED 4/30/2007	U.S. DISTRICT COURT Middle District of Florida
PLAINTIFF Automobili Lamborghini SpA; Automobili Lamborghini Holding SpA		DEFENDANT The Lamboshop, Inc.; Michael Heick
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 1622382	11/3/1990	Automobili Lamborghini Holdings S.P.A. Corporation
2 1624722	11/27/1990	Automobili Lamborghini Holdings S.P.A. Corporation
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1	
2	
3	
4	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <div style="text-align: center; font-size: 1.2em;">SEE ATTACHED</div>	
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CLERK <div style="font-size: 1.2em; font-weight: bold;">Sheryl L. Loesch</div>	(BY) DEPUTY CLERK <div style="font-family: cursive; font-size: 1.2em;">Kimberly M. Arnett</div>	DATE <div style="font-size: 1.2em;">09/03/2008</div>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

**AUTOMOBILI LAMBORGHINI SPA;
AUTOMOBILI LAMBORGHINI HOLDING
SPA,**

Plaintiffs,

-vs-

Case No. 2:07-cv-266-FtM-29SPC

THE LAMBOSHOP, INC.; MICHAEL HEICK,

Defendants.

JUDGMENT IN A CIVIL CASE

Decision by Court.

IT IS ORDERED AND ADJUDGED that pursuant to the Court's order entered on July 10, 2008, judgment is entered in favor of plaintiffs and against defendants as follows:

a. Michael Heick and Lamboshop, Inc. are jointly and severally liable in the amount of \$740,000.00, which amount constitutes \$350,000.00 for statutory damages for counterfeiting the automobile and \$350,000.00 for counterfeiting Lamborghini pursuant to 15 U.S.C. § 1117(c);

b. Michael Heick and Lamboshop, Inc., their respective agents, servants, employees, officers, successors, licensees and assigns and all persons acting in concert or participation with each or any one of them,

(i) are permanently enjoined from any present or future use of Lamborghini's federally registered trademarks including any marks confusingly similar;

(ii) are permanently enjoined and restrained from using in the manufacture, advertising, offering for sale, sale or distribution of automobile conversions and goods of a similar nature, the designations Lamborghini, *Countach*, *Diablo*, *Gallardo*, and *Murcielago*, and any other designations which by colorable imitation or otherwise is likely to be mistaken for or confused with Plaintiffs' trademarks, or is likely to create the erroneous impression that Defendants or its products originate with Plaintiffs, or are endorsed by Plaintiffs, or are sponsored by Plaintiffs, or that Defendants and their products are connected in any way with Plaintiffs;

(iii) are permanently enjoined and restrained from infringing Plaintiffs' trademarks in the distinctive appearance of corporate names and logos, and the scissors door opening motion complained of in this Complaint;

(iv) must deliver up and destroy all labels, signs, prints, packages, wrappers, receptacles and advertisements in the possession, custody or control of Defendants, and all plates, molds, matrices and other means of making the same, which might, if used, violate the injunction herein;

(v) cease and desist from using the name or term "Lamboshop" and remove and de-register from the internet the website or domain, or domain name, www.thelamboshop.com; and

(vi) cease and desist from conducting any of the activities described above on or through the internet or any other media or means of advertising.

Date: July 11, 2008

SHERYL L. LOESCH, CLERK

By: /s/ Janet Skipper, Deputy Clerk

c: All parties and counsel of record

CIVIL APPEALS JURISDICTION CHECKLIST

1. **Appealable Orders:** Courts of Appeals have jurisdiction conferred and strictly limited by statute:
 - (a) **Appeals from final orders pursuant to 28 U.S.C. Section 1291:** Only final orders and judgments of district courts, or final orders of bankruptcy courts which have been appealed to and fully resolved by a district court under 28 U.S.C. Section 158, generally are appealable. A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." Pitney Bowes, Inc. v. Mestre, 701 F.2d 1365, 1368 (11th Cir. 1983). A magistrate judge's report and recommendation is not final and appealable until judgment thereon is entered by a district court judge. 28 U.S.C. Section 636(c).
 - (b) **In cases involving multiple parties or multiple claims,** a judgment as to fewer than all parties or all claims is not a final, appealable decision unless the district court has certified the judgment for immediate review under Fed.R.Civ.P. 54(b), Williams v. Bishop, 732 F.2d 885, 885-86 (11th Cir. 1984). A judgment which resolves all issues except matters, such as attorneys' fees and costs, that are collateral to the merits, is immediately appealable. Budnich v. Becton Dickinson & Co., 486 U.S. 196, 201, 108 S. Ct. 1717, 1721-22, 100 L.Ed.2d 178 (1988); LaChance v. Duffy's Draft House, Inc., 146 F.3d 832, 837 (11th Cir. 1998).
 - (c) **Appeals pursuant to 28 U.S.C. Section 1292(a):** Appeals are permitted from orders "granting, continuing, modifying, refusing or dissolving injunctions or refusing to dissolve or modify injunctions..." and from "[i]nterlocutory decrees...determining the rights and liabilities of parties to admiralty cases in which appeals from final decrees are allowed." Interlocutory appeals from orders denying temporary restraining orders are not permitted.
 - (d) **Appeals pursuant to 28 U.S.C. Section 1292(b) and Fed.R.App.P.5:** The certification specified in 28 U.S.C. Section 1292(b) must be obtained before a petition for permission to appeal is filed in the Court of Appeals. The district court's denial of a motion for certification is not itself appealable.
 - (e) **Appeals pursuant to judicially created exceptions to the finality rule:** Limited exceptions are discussed in cases including, but not limited to: Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 546, 69 S.Ct. 1221, 1225-26, 93 L.Ed. 1528 (1949); Atlantic Fed. Sav. & Loan Ass'n v. Blythe Eastman Paine Webber, Inc., 890 F.2d 371, 376 (11th Cir. 1989); Gillespie v. United States Steel Corp., 379 U.S. 148, 157, 85 S. Ct. 308, 312, 13 L.Ed.2d 199 (1964).
2. **Time for Filing:** The timely filing of a notice of appeal is mandatory and jurisdictional. Rinaldo v. Corbett, 256 F.3d 1276, 1278 (11th Cir. 2001). In civil cases, Fed.R.App.P.4(a) and (c) set the following time limits:
 - (a) **Fed.R.App.P. 4(a)(1):** A notice of appeal in compliance with the requirements set forth in Fed.R.App.P. 3 must be filed in the district court within 30 days after the entry of the order or judgment appealed from. However, if the United States or an officer or agency thereof is a party, the notice of appeal must be filed in the district court within 60 days after such entry. **THE NOTICE MUST BE RECEIVED AND FILED IN THE DISTRICT COURT NO LATER THAN THE LAST DAY OF THE APPEAL PERIOD - no additional days are provided for mailing.** Special filing provisions for inmates are discussed below.
 - (b) **Fed.R.App.P. 4(a)(3):** "If one party timely files a notice of appeal, any other party may file a notice of appeal within 14 days after the date when the first notice was filed, or within the time otherwise prescribed by this Rule 4(a), whichever period ends later."
 - (c) **Fed.R.App.P.4(a)(4):** If any party makes a timely motion in the district court under the Federal Rules of Civil Procedure of a type specified in this rule, the time for appeal for all parties runs from the date of entry of the order disposing of the last such timely filed motion.
 - (d) **Fed.R.App.P.4(a)(5) and 4(a)(6):** Under certain limited circumstances, the district court may extend the time to file a notice of appeal. Under Rule 4(a)(5), the time may be extended if a motion for an extension is filed within 30 days after expiration of the time otherwise provided to file a notice of appeal, upon a showing of excusable neglect or good cause. Under Rule 4(a)(6), the time may be extended if the district court finds upon motion that a party did not timely receive notice of the entry of the judgment or order, and that no party would be prejudiced by an extension.
 - (e) **Fed.R.App.P.4(c):** If an inmate confined to an institution files a notice of appeal in either a civil case or a criminal case, the notice of appeal is timely if it is deposited in the institution's internal mail system on or before the last day for filing. Timely filing may be shown by a declaration in compliance with 28 U.S.C. Section 1746 or a notarized statement, either of which must set forth the date of deposit and state that first-class postage has been prepaid.
3. **Format of the notice of appeal:** Form 1, Appendix of Forms to the Federal Rules of Appellate Procedure, is a suitable format. See also Fed.R.App.P. 3(c). A pro se notice of appeal must be signed by the appellant.

4. Effect of a notice of appeal: A district court loses jurisdiction (authority) to act after the filing of a timely notice of appeal, except for actions in aid of appellate jurisdiction or to rule on a timely motion of the type specified in Fed.R.App.P. 4(a)(4).

Rev.: 4/04